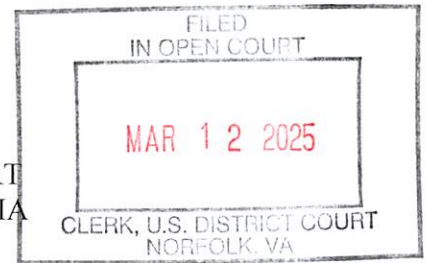


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 2:24mj213
	)	
WILLIAM CUSTIS SMITH,	)	
	)	
Defendant.	)	
	)	

STATEMENT OF FACTS

The United States and the defendant, WILLIAM CUSTIS SMITH (hereinafter, "SMITH"), agree and stipulate that the allegations in Count One of the Criminal Information and the following facts are true and correct, and that had the matter gone to trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. On January 16, 2023, Virginia Department of Wildlife Resources (DWR) reached out to the U.S. Fish and Wildlife Service (USFWS) regarding an anonymous report they received about pole trap located near a waterfowl impoundment in the town of Hallwood, Accomack County, Virginia, in the Eastern District of Virginia. A pole trap is typically a leg-hold type trap placed on top of a post or platform used to capture raptors that land on the elevated position. According to the report, the owner of the property, WILLIAM CUSTIS SMITH, was believed to be trapping and poisoning various raptors who encroached on his property.

2. On February 8, 2023, USFWS and DWR agents met to inspect the property that was the subject of the report. Agents discovered a fresh carcass of a juvenile bald eagle and seized it as evidence. The agents also documented a pole trap present and installed a plot

*WCS  
JK*

watcher camera to potentially record future raptor kills at the site. The eagle corpse was shipped to the National Fish and Wildlife Forensic Laboratory for further analysis. See images below:



WCS  
JK





3. Over the next several weeks, agents continued to visit the site to swap out the memory cards and batteries from the camera and review the footage it recorded. Agents noticed animal carcasses present near the site and on one occasion noticed a pile of fish heads surrounded by dead fly carcasses. See image below:

WCS  
JK



4. On March 2, 2023, agents reviewed the footage of the plot-watcher camera. Video analysis revealed that on February 19, 2023, at approximately 8:47am, a large bird, later identified as a red-tailed hawk, landed on the platform and was captured by the jaws of the pole trap. The bird struggled in the trap until about 3:13pm that same day when SMITH is recorded coming to the trap and bludgeoning the hawk with a pole he retrieved from the back of his truck.

WCS  
JK



SMITH removed the carcass of the bird from the trap and discarded it on the ground nearby. Afterwards, SMITH reset the trap and left the area.

5. Several weeks later, agents received the necropsy results of the dead juvenile bald eagle seized from SMITH's property. According to the necropsy report, the cause of death for the juvenile bald eagle was carbofuran poisoning based on the stomach contents of the raptor. Carbofuran is an insecticide that was once widely used in agriculture but since approximately 2008, it has been banned in the United States because of its potential toxicity to humans. Carbofuran is used to illegally poison a variety of wildlife across the United States.

6. On March 31, 2023, agents interviewed SMITH about his poisoning and killing of raptors on his property. SMITH freely admitted his guilt and stated that he had used the pole trap to trap and kill raptors. SMITH further admitted that he poisoned the fish heads with Carbofuran.

7. This statement of facts includes those facts necessary to support the plea agreement between SMITH and the United States. It does not include each and every fact known to SMITH or to the United States, and it is not intended to be a full enumeration of all of the facts surrounding SMITH's case.

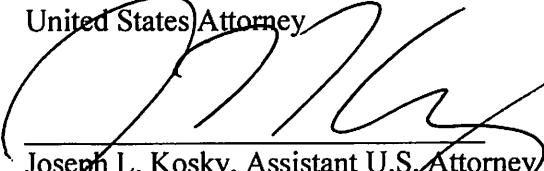
8. The actions of SMITH, as recounted above, were in all respects knowing and deliberate, and were not committed by mistake, accident, or other innocent reason.

  
was  
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Respectfully submitted,

Erik S. Siebert  
United States Attorney

By:



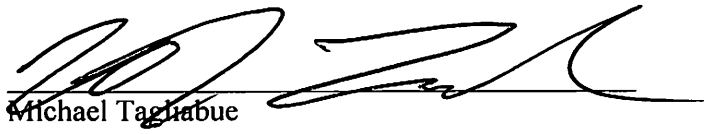
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United States Attorney's Office  
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Norfolk, Virginia 23510  
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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, WILLIAM CUSTIS SMITH, and the United States, I hereby stipulate that the above statement of facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



\_\_\_\_\_  
WILLIAM CUSTIS SMITH

I am Michael Tagliabue, the defendant's attorney. I have carefully reviewed the above statement of facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



\_\_\_\_\_  
Michael Tagliabue  
Attorney for WILLIAM CUSTIS SMITH

WCS  
JK